

1 THE HONORABLE JOHN C. COUGHENOUR

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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MIDTOWN LIMITED
11 PARTNERSHIP,

12 Plaintiff,

13 v.

14 OMARI TAHIR-GARRETT,

15 Defendant.

CASE NO. C17-0587-JCC

ORDER OF REMAND

16 This matter comes before the Court *sua sponte*. Defendant Omari Tahir-Garrett filed a
17 notice of removal of the unlawful detainer action against him. (Dkt. No. 1.) This is the second
18 time Mr. Tahir has attempted to remove this litigation, and the previous attempt was
19 unsuccessful. *See MidTown Limited Partnership v. Omari Tahir-Garrett*, C16-1830-JCC, (Dkt.
20 No. 11). The Court remanded the previous attempt and stated that any “further attempt by Mr.
21 Tahir to remove this action will constitute a legal nullity and will not divest jurisdiction from the
22 state superior court.” *Id.*

23 Moreover, both unlawful detainer actions involve the same parties, facts, and issues as
24 another case before this Court, *Omari Tahir v. MidTown Limited Partnership*, C15-2017-JCC. In
25 that case, the Court granted MidTown’s motion to remand the unlawful detainer action,
26 reasoning that “[t]he Court does not have subject matter jurisdiction over the unlawful detainer

1 action, as there is neither diversity nor federal question jurisdiction.” *Tahir*, C15-2017-JCC,
2 (Dkt. No. 43 at 3). Nothing has changed in the present action. Mr. Tahir’s attempt to remove this
3 action to federal court is frivolous.

4 “Flagrant abuse of the judicial process cannot be tolerated because it enables one person
5 to preempt the use of judicial time that properly could be used to consider the meritorious claims
6 of other litigants.” *See De Long v. Hennessey*, 912 F.2d 1144, 1148 (9th Cir. 1990). This case is
7 hereby REMANDED to King County Superior Court, effective immediately. Mr. Tahir is
8 advised that if he attempts to remove the case again, he may be subject to sanctions under
9 Federal Rule of Civil Procedure 11.

10 DATED this 2nd day of May 2017.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE